IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4391 OF 2001

Jayant Shankarrao Chiwhane ...
Petitioner

Versus

State of Maharashtra & Ors. ...
Respondents.

Mr. R.K. Mendadkar for the Petitioner

Mr. C.R. Sonawane, Assistant Government Pleader
for Respondents No. 1 to 4.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
SMT. NISHITA MHATRE, J.
DATE: JANUARY 9, 2006.

P.C.:-

1. By this petition, the petitioner has challenged the order passed by the Caste Certificates Scrutiny Committee, presumably exercising powers of review, on the ground that such power is not the creature of statute, which created the Scrutiny Committee.

2. The learned counsel for the petitioner has relied on a Full Bench judgment of this Court reported in 2004 (1) Mh.L.J. 619 *(Shikshan Prasarak Mandal, Akola, & Ors. v. Laxmikant Balkrishna Joshi & Ors.)*, wherein this Court has observed that the power of review is the creature of statute and unless it is

specifically conferred on the Court, it cannot be invoked *suo motu*. In this view of the matter, the order impugned in this petition cannot be sustained. The same is liable to be set aside and is hereby set aside. The Rule is made absolute. There shall be no order as to costs.